

IN THE CLAIMS

Please amend claim 39 so that it hereafter reads as follows:

1.-38. (Canceled)

39. (Currently Amended) A method of delivering cryogenic energy for the treatment of selected tissue within a vertebral body comprising:

providing a cryoprobe having a distal tip and a thermally transmissive region located proximate to said distal tip ~~forming a hole within the vertebral body;~~

inserting the a cryoprobe into the patient said body, so that the wherein said cryoprobe has a distal tip and a thermally transmissive region is located proximate to an endplate of the vertebral body ~~said tip;~~

activating said thermally transmissive region; and

delivering cryogenic energy to the endplate of the vertebral body for one or more time periods in the range of 1 minute to 60 minutes so as to treat the patient.